

REMARKS

With the entry of the foregoing amendments, claims 1-12 are pending in this application. Favorable consideration is requested.

The claims have been amended to place them in more conventional U.S. patent claim format. In addition, the claims have been amended in line with the helpful suggestions of the Examiner. Applicant thanks the Examiner for the courtesy of proposing amended claims.

In response to the claim objections on page 2 of the Detailed Action, applicant submits that the claim amendments render the objections moot.

In response to the prior art rejections, the following arguments address all of the prior art rejections in joint fashion because the same facts are applicable to all of the rejections. In this regard, the prior art rejections are as follows.

1. On page 3 of the Office Action, claims 1, 2, 4 and 7 stand rejected as allegedly anticipated by Bertin (US Patent 5700268).
2. On pages 4-5, claims 3, 5, 6 and 8 stand rejected as allegedly obvious over Bertin in view of Subba Rao (US Patent 6743235).
3. On pages 5-6, claims 9-12 stand rejected as allegedly obvious over Bertin in view of Lovell (US Patent 6395005).

Applicant traverses the rejections for at least the following reasons.

The primary reference, Bertin, discloses and teaches an object that is considerably different than the claimed invention, and Subba Rao and Lovell do not overcome the Bertin deficiencies. More specifically, Bertin does not disclose or suggest the claimed orientation means (e.g., two bubble levels) that are adapted to define a

reference plane, nor do the secondary references disclose or suggest these claimed components and features.

According to the Office Action, Bertin allegedly discloses the claimed orientation means. This premise of the rejections is factually and technically incorrect. The Office Action cites to the object in Figure 3B with the numerical reference 10 in support of its faulty premise. This citation is quite surprising because this cited object is a measuring device and, moreover, it does not define a reference plane. Thus, the entire premise of the prior art rejections is factually and technically flawed and does not support any anticipation contention or any prima facie case of obviousness.

For at least the foregoing reasons, applicant requests the withdrawal of the prior art rejections.

In view of the foregoing amendments and remarks, applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

If the Examiner has any questions concerning this application, the undersigned may be contacted at 703-816-4009. If any small matters remain in this case, the Examiner is encouraged to telephone the undersigned so that a further Office Action can be avoided.

ECHEVERRI
Appl. No. Unknown
February 4, 2008

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____

A handwritten signature in black ink, appearing to read 'D. Byers', is written over a horizontal line.

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